ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 99.

An Act for incloſing a Moor or Common, called *Middlehope*, within the Park and Foreſt of *Weardale*, in the Pariſh of *Stanhope*, in the County of *Durham*. [20th *May* 1809.]

WHEREAS there is within the Foreſt of *Weardale*, in the Pariſh of *Stanhope*, in the County Palatine of *Durham*, a certain Stinted Moor, or Common, conſiſting of Seven hundred and thirty-eight Cattlegates, and containing, by Admeaſurement, Two thouſand three hundred and forty-three Acres, or thereabouts, and commonly called or known by the Name of *Middlehope Moor* or *Common*: And whereas the Honourable and Right Reverend *Shute* Lord Biſhop of *Durham*, in Right of his See, is Lord of the Manor of *Wolſingham*, in the ſaid County; and the ſaid Lord Biſhop, or the Leſſee or Leſſees claiming under the See of *Durham*, is or are intitled to the Mines of Lead and Lead Ore, as well opened as unopened, within and under the ſaid Stinted Moor or Common: And whereas the ſaid Lord Biſhop, and alſo *Robert Curry* Eſquire *John Brumwell*, *Joſeph Walton*, and *Thomas Forſter Wallis*, Gentlemen, and ſeveral other Perſons, are Owners and Proprietors of the Land and Ground lying within the ſaid Stinted Moor or Common, ſubject to the Right of the ſaid Lord Biſhop of *Durham*, or to the

Leſſee or Leſſees claiming under the See of *Durham*, to the Mines of Lead and Lead Ore, as well opened as unopened, within and under the ſame: And whereas the Proprietors of the ſaid Stinted Moor or Common, are deſirous that the ſame may be divided and incloſed, and that each Proprietor may have his ſpecific Share allotted to him; but ſuch Diviſion and Incloſure cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Stinted Moor or Common called *Middlehope*, ſhall be divided, ſet out, and allotted as ſoon as may be after the paſſing of this Act, by *Whitfield Harriſon* of *Chapel*, in the Pariſh of *Stanhope* aforeſaid, Surveyor, who is hereby appointed the Commiſſioner for the Purpoſes of this Act, and for carrying the ſame into Execution, with, under, and ſubject to the Powers, Authorities, Regulations, Directions, and Proviſions herein-after contained, and with, under, and ſubject to ſuch further Powers, Authorities, Rules, Orders, Regulations, and Directions, as are contained in an Act paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*, and are not controuled by, or repugnant to any of the Regulations, Proviſions, or Clauſes, contained in this Act; and that the Notices by the ſaid Act required to be given in ſome public Newſpapers, of ſetting out Public Carriage Roads, and of reading and executing the Award of the Commiſſioner, ſhall be publiſhed in the Newſpaper printed at *Newcaſtle-upon-Tyne*, called *The Courant*; or if that Newſpaper ſhall not then be publiſhed, in ſome other of the Newſpapers printed at that Place.

Commiſſioner appointed.

Encroachments made within 30 Years deemed Part of the Common.

II. And be it further enacted, That all Encroachments which have been taken or made from any Part of the ſaid Moor or Common, (ſave ſuch as have been enjoyed peaceably and quietly for Thirty Years laſt paſſed, or upwards, without any Interruption given), ſhall be deemed Part or Parcel of the ſaid Moor or Common, and be divided and incloſed by virtue of this Act.

In Caſe of Death, a new Commiſſioner to be appointed.

III. And be it further enacted, That if the ſaid *Whitfield Harriſon*, or any Perſon who ſhall be appointed a Commiſſioner in his Stead, ſhall die, or refuſe to act, or be rendered incapable of acting as a Commiſſioner in the Execution of this Act, a new Commiſſioner ſhall and may, from Time to Time, be appointed in the Stead of the Commiſſioner ſo dying or refuſing to act, or being incapable of acting as aforeſaid, by the Lord of the ſaid Manor, and the Majority in Value of the ſeveral Proprietors or Perſons to whom Allotments are intended to be made by virtue of this Act, who, by themſelves or their reſpective Agents, ſhall attend at ſuch Public Meeting to be held for that Purpoſe, within One Month next after any ſuch Death, Refuſal, or Incapacity as aforeſaid ſhall happen, or ſo ſoon afterwards as conveniently may be; of which Meeting or Meetings, Fourteen Days Notice at leaſt, ſhall previouſly be given in Writing, affixed on the principal Door of the Pariſh Church of *Stanhope*, and the principal Door of *Saint John's Chapel*

Chapel in the ſaid Pariſh, and by Advertiſement in ſome one or more of the Newſpapers printed at *Newcaſtle-upon-Tyne*; and the Lord of the ſaid Manor, and the Majority in Value of the ſaid Proprietors, or their reſpective Agents, ſo convened and aſſembled, are hereby authorized, when and ſo often as Occaſion ſhall require, by ſome Inſtrument under their Hands, to nominate and appoint a fit and proper Perſon (not beneficially intereſted in the ſaid Diviſion, nor the Steward, Agent, Father, Son, or Brother of any Perſon ſo intereſted), to be a Commiſſioner in the Stead of the ſaid *Whitfield Harriſon*, or any ſucceeding Commiſſioner; and every Perſon who ſhall be nominated and appointed a Commiſſioner as aforeſaid, ſhall have ſuch and the like Powers and Authorities for putting this Act into Execution, as if he had been originally named and appointed a Commiſſioner by this Act; and every ſuch Inſtrument of Nomination and Appointment of a Commiſſioner, ſhall be depoſited in the ſame Place, and Evidence thereof given in the ſame Manner, as is directed concerning the Commiſſioner's Award.

Notice to be given by the Commiſſioner of his Sittings.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required to cauſe a Notice in Writing, under his Hand, to be affixed upon the principal Door of the Pariſh Church of *Stanhope* aforeſaid, and the principal Door of *Saint John's Chapel*, in the ſame Pariſh, and alſo to be inſerted in one or more of the *Newcaſtle* Papers, of the Time and Place of his Firſt, Second, and Third Sittings reſpectively, for the Execution of this Act, at leaſt Fourteen Days before ſuch reſpective Sittings; and that the ſaid Commiſſioner ſhall and may, after his ſaid Third Sitting, appoint ſuch Time and Place for every ſubſequent Sitting, as he ſhall think proper; he cauſing a Notice in Writing, under his Hand, to be affixed upon the principal Door both of the ſaid Pariſh Church and Chapel Fourteen Days at the leaſt before every ſuch ſubſequent Sitting; but the ſaid Commiſſioner, at his Firſt, Second, and Third, and all ſubſequent Sittings, ſhall have full Power and Authority, from Time to Time, as he ſhall think it convenient, to continue any ſuch Sittings by Adjournment, for ſuch Time or Times as he ſhall think proper, for the due Execution of this Act, without giving any public Notice of ſuch Adjournment; provided that all the Sittings of the ſaid Commiſſioner ſhall be held in the Pariſh of *Stanhope* aforeſaid, or within the Diſtance of Five Miles therefrom.

Commiſſioner to adjourn Sittings.

Diſputed Claims may be determined by Commiſſioner;

V. And be it further enacted, That, in caſe any Diſpute or Difference ſhall happen to ariſe between the Parties intereſted, or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning the reſpective Shares and Proportions which they or any of them ſhall claim in the ſaid Stinted Moor or Common intended to be divided as aforeſaid, or touching or concerning the reſpective Shares and Proportions which they or any of them ought to have in the ſaid intended Diviſion, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, to hear and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever.

who may aſſeſs Coſts.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner in caſe he ſhall ſo think fit, to aſſeſs ſuch Coſts and Charges as he ſhall

ſhall think reaſonable for the Uſe and Benefit of the Party or Parties in whoſe Favour he ſhall make his Determination, reſpectively, upon or againſt the Party or Parties whoſe Claims, Complaints, or Objections ſhall be thereby diſallowed, as the Caſe ſhall happen; and by Warrant, under the Hand and Seal of the ſaid Commiſſioner, to levy ſuch Coſts and Charges, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any), after deducting all reaſonable Charges attending ſuch Warrant, Diſtreſs, and Sale, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold as aforeſaid.

Perſons not ſatisfied with Determination of Commiſſioner may try their Claims at Law, etc.

VII. Provided always, and be it further enacted, That if the Party or Parties making any Claim or Claims to the ſaid Stinted Moor or Common intended to be divided by this Act, or any Rights or Intereſts therein, or the Party or Parties objecting to any ſuch Claim or Claims, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, and ſhall be deſirous of having ſuch Claim or Claims, Rights and Intereſts reſpectively, tried at Law; and the Party or Parties ſo deſirous of having the ſame tried at Law, ſhall by themſelves, or their Agents or Attornies reſpectively, give Notice thereof, in Writing, to the ſaid Commiſſioner, within Two Months after ſuch Determination ſhall have been made (of which Notice the ſaid Commiſſioner is hereby required immediately on Receipt thereof, or ſo ſoon afterwards as conveniently may be, to give Information to the adverſe Party or Parties, or his, her, or their reſpective Agents or Attornies, by Writing under his Hand, to be delivered to, or left at the uſual Place of Abode of ſuch Party or Parties, Agents or Attornies reſpectively), then, but not afterwards, it ſhall be lawful for the Party or Parties giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors, or Aſſigns to proceed to a Trial at Law for the ſame, at the firſt Aſſizes to be holden for the County of *Durham*, after the Expiration of Thirty Days, from the Day of giving ſuch Notice, in an Action or Actions for that Purpoſe to be commenced in the Court of Pleas at *Durham*, upon a feigned Iſſue or Iſſues by the Party or Parties, their reſpective Heirs, Succeſſors, or Aſſigns, giving ſuch Notice as aforeſaid, againſt the adverſe Party or Parties making ſuch Claim or Objection as aforeſaid, and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name his Attorney or their Attornies, who ſhall file Common Bail, or appear and accept one or more Iſſue or Iſſues, whereby all ſuch Claims, Rights, and Intereſts, may be properly tried and determined (ſuch Iſſue or Iſſues to be ſettled by the Prothonotary of the ſaid Court or his Deputy, if the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions, ſhall be final and concluſive to all Perſons, Bodies Politic or Corporate whomſoever; and after any Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall, and he is hereby authorized and required to conform thereto: Provided always, that it ſhall be lawful for the Court in which any Action to be commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded; but if no ſuch Action or Actions at Law ſhall be brought or commenced, by the Party or Parties giving ſuch Notice, within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials at the firſt Aſſizes which ſhall be holden for the County of *Durham*, after the Expiration

piration of Thirty Days from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case, the Determination of the Commissioner shall be final, binding, and conclusive unto and upon all Parties whomsoever: Provided always, that if any Party or Parties in any such Action or Actions to be brought or prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in, as if no such Event had happened.

How Actions may be brought after the Death of the Parties.

VIII. Provided also, and be it further enacted, That if any Person or Persons, in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons, as if actually living, and to serve the Clerk of the said Commissioner with Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living, and it shall be thereupon incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein, in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Commissioner not to determine contrary to Possession.

IX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties, contrary to the Possession of any of such Parties; but in Case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioner to divide the stinted Moor between the Lord Bishop of Durham and the Proprietors, according to their Interests therein.

X. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, according to the best of his Skill and Judgement, (after deducting so much and such Part and Parts of the said Stinted Moor or Common, as he may think proper to set out and appoint for Public Highways, Roads, Quarries, Peat Places, and Watering Places or Wells, by virtue of the said Act of the Forty-first Year of the Reign of His present Majesty, and of this Act, or either of them respectively), to set out, assign, allot, apportion, and divide the said Stinted Moor or Common called *Middlehope*, unto and amongst the several Proprietors thereof, and Persons interested therein, in such Quantities, Parts, Shares, and Proportions, as the said Commissioner shall adjudge and determine to be a just equivalent Compensation and Satisfaction for the several Stints, Rights, and Interests of such Proprietors and Persons interested in the said Moor or Common.

Proprietors of Small Allotments may give up the same for a Sum of Money.

XI. Provided always, and be it further enacted, That if any Person or Persons entitled to any Allotment or Allotments of the said Moor or Common, shall, by any Writing under his or their respective Hands, or the Hand of their respective Attornies, Stewards, or Agents, to be delivered to the said Commissioner, at his said First, Second, or Third Sitting, or at a special Sitting, to be holden for that Purpose by the Commissioner, previous to the Setting out of Allotments, express a Desire to give up his, her, or their Right or Title to any Allotment or Allotments, for a valuable Consideration in Money then and in such Case, he, she, or they shall have such pecuniary Compensation paid to him, her, or them, in lieu thereof, as shall be ascertained by the said Commissioner to be a full Equivalent; provided the Amount of the Sum so to be ascertained and paid as aforesaid shall not, in any Case, exceed Twenty Pounds: And in all Cases where pecuniary Payments shall be made in lieu of such small Allotments as aforesaid, the same Allotments shall be divided among the other Owners of Allotments, according to their several Proportions; and the Sums payable in lieu of such Allotments shall be paid by the said Commissioner out of the Monies hereby directed to be raised for carrying this Act into Execution.

The Allotments to be made to Landlords, who shall make Compensation to their Tenants.

XII. Provided always, and be it further enacted, That the Allotments to be made and set out by virtue of this Act, in Right of any Property under Lease or Leases at Rack Rent, shall be allotted and set out to the respective Lessors or Landlords, and shall be held and enjoyed by them, free from all Right and Interest of their respective Lessees or Tenants, and such respective Lessors or Landlords, their Heirs and Assigns, or the Person seized of their Estates for the Time being, shall make such Abatement out of the Rents reserved by such Leases respectively, for the Loss or Prejudice which such Lessees or Tenants shall suffer or sustain, by reason of their being deprived of stinting the said Moor or Common (except in such Cases where the same shall by such Lease or Leases be otherwise provided for), as the said Commissioner shall judge reasonable, and shall, by any Writing under his Hand, ascertain, direct, or appoint.

Allotments and Common Rights may be conveyed before the Execution of the Award.

XIII. And be it further enacted, That it shall be lawful for any Person or Persons, who shall be intitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain and sell the same, at any Time before the Execution of the Award of the said Commissioner, for his, her, or their expectant Estate and Interest therein; and every such Gift, Grant, Bargain, and Sale thereof, shall be of the same Force and Validity as if made after the Execution of the said Award; and it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to award all and every such Allotment and Allotments which shall be so sold and disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be intitled to the same, by any such Sale or Disposition; and the said Allotment or Allotments so sold and disposed of, shall, in every such Case, from and after the Execution of the said general Award of the said Commissioner, become, and the same is and are hereby declared to be vested in and settled upon the Person or Persons to whom the same shall have been so sold and awarded as aforesaid, and his, her, and their Heirs and

and Aſſigns, to all Intents and Purpoſes whatſoever, in like Manner as the Vendor might or could have enjoyed the ſame.

Allotments to be fenced.

XIV. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, and fenced, at the Expence of the reſpective Proprietors to whom ſuch Fences ſhall be allotted or directed to belong, with Quickſets, or in ſuch other Manner, and within ſuch Time or Times, as the ſaid Commiſſioner ſhall by his Award, or any other Writing under his Hand, direct or appoint.

Money advanced for paſſing the Act; to be repaid with Intereſt.

XV. And be it further enacted, That the Money that ſhall be advanced by any Perſon or Perſons, for the Purpoſe of defraying the Expences of applying for and paſſing this Act, or which, after paſſing of this Act, ſhall be advanced and lent to the ſaid Commiſſioner for carrying the ſame into Execution, ſhall be repaid, with lawful Intereſt, to the Perſon or Perſons lending, advancing, or paying the ſame, from the Time of ſuch lending, advancing, or paying, out of the firſt Money to be raiſed for defraying the Expences of obtaining and executing this Act.

Commiſſioner to aſcertain to what Pariſh or Quarter Roads belong

XVI. And, to prevent all Diſputes and Differences touching the Repair of the Highways and Public Roads, which go over or along the ſaid Stinted Moor or Common hereby authorized to be divided, or any Part thereof, or to be ſet out in purſuance of this Act, or of the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, be it further enacted, That the ſaid Commiſſioner ſhall and may, and he is hereby authorized and required to determine and adjudge what Part of the ſaid Highways, which are ancient ones, and alſo of the new Highways, to be ſet out in purſuance of this Act, ſhall belong to any and what Townſhip or Townſhips, Diſtrict or Diſtricts reſpectively within the ſaid Pariſh, and the ſaid Commiſſioner ſhall, in and by his General Award, order and direct by what Townſhips or Quarters reſpectively ſuch Highways and Roads ſhall be maintained, amended, and kept in Repair, and the Inhabitants of each of ſuch Townſhips or Diſtricts reſpectively within the ſaid Pariſh ſhall from and after the Execution of the ſaid General Award of the ſaid Commiſſioner, maintain, amend, and keep ſuch reſpective Highways and public Roads in Repair, as ſhall be ſo determined and adjudged to belong to ſuch Townſhips or Diſtricts reſpectively, in the ſame Manner as ancient and common public Roads or Highways are by Law to be amended and kept in Repair; and it ſhall not be lawful for any Perſon or Perſons, after the Execution of the ſaid General Award to make Uſe of any Roads or Ways, either public or private, in, over, or through the ſaid Moor or Common hereby directed to be divided, or any Part thereof (other than the Lord Biſhop of *Durham*, and his Succeſſors, his or their Leſſee or Leſſees, Aſſignee or Aſſigns, for the Purpoſes herein-after particularly mentioned), either on Foot, or with Horſes, Cattle, Carts, or Carriages, other than ſuch as ſhall be ſet out and appointed by the ſaid Commiſſioner by virtue of this Act, or of the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty.

XVII. And

Commissioner to set out Public Watering Places, &c.

XVII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out and appoint proper Places, upon the said Parts of the said Stinted Moor or Common hereby directed to be divided, for common Watering Places for Cattle, and common Wells, if the same can conveniently be done, and shall also assign and set out such common public and private Horse and other Roads, Ways, Passages, Bridges, Gates, Stiles, Hedges, Sewers, Drains, and Watercourses, in, over, and through the said Moor or Common so to be divided, as he shall think proper, useful, and convenient, such last-mentioned Roads and Ways to be repaired by such Person or Persons, Body or Bodies Politic or Corporate, interested in the said Division, as the said Commissioner shall award, order, and direct: Provided always, that nothing herein contained shall extend or be construed to extend to give the said Commissioner any Power or Authority to divert, change, or alter the Course of any Turnpike Road.

Commissioner to set out public Quarries and Peat Mosses, &c.

XVIII. And be it further enacted, That the said Commissioner shall also set out and appoint, in such Parts as he shall think proper of the said Stinted Moor or Common, so many Free-stone Quarries, and also Lime Stone Quarries (if the same can conveniently be done), and Place or Places for procuring and obtaining Peats for Fuel, as he shall deem necessary, as well for the Use and Benefit of the Tenants, Lessees, and Assigns of the said Lord Bishop of *Durham* and his Successors, as also for the Benefit of the Owners and Occupiers for the Time being of the Allotments to be set out by virtue of this Act, to be used upon his, her, or their Buildings or Lands, or upon or for the Use of any of the Allotments to be made and set out by virtue of this Act, or for any other Buildings or Lands, or for any other Purpose, but not for Sale; and the said Commissioner shall, in and by his Award to be made as herein-after mentioned, direct how and in what Manner the same shall be wrought, and it shall be lawful for the said Commissioner in his said Award (if he shall think proper so to do), to restrict the Use and Enjoyment of any particular Quarry or Quarries, or Place or Places for procuring Peats as aforesaid, so by him to be set out and appointed, to any particular Proprietors or Class of Proprietors having such Right or Interest in the said Stinted Moor or Common as aforesaid, in Exclusion of the others or other of them, provided some other Quarry or Quarries, Place or Places, is or are by the said Commissioner in his said Award, set out and appointed for the exclusive Use and Enjoyment of such other Proprietor or Proprietors so excluded.

Commissioner may turn any Watercourse so as to convey Water to as many Allotments as possible.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioner, and he is hereby authorized and empowered, to divert, alter, or change the Course or Current of any of the Springs, Streams, or Watercourses, upon or within (but not under) the said Moor or Common hereby directed to be divided, for the Purpose of conveying Water into and upon the Surface of the several Allotments to be made by virtue of this Act, or such and so many of them as conveniently may be: Provided always, that nothing herein contained shall extend, or be construed to extend, to give the said Commissioner any Power or Authority to divert, alter, or change the Course or Current of any Spring, Stream, or Watercourse, from or by the flowing of which any Mill or Engine is supplied with Water: Provided also, that no such Springs,

Springs, Streams, or Watercourſes, ſhall be diverted, altered, or changed, without the Conſent in Writing, of the Owner or Owners of the Lands or Grounds from which any ſuch Spring, Stream, or Watercouſe, ſhall be diverted, altered, or changed, or into which any ſuch Spring, Stream, or Watercourſe, ſhall be turned.

Allotments to be ſet out as near as may be to the Old Incloſed Lands, &c.

XX. And be it hereby enacted, That the ſaid Commiſſioner ſhall ſet out and allot the Share of each Perſon in the ſaid Stinted Moor or Common in one or more Plot or Plots, Parcel or Parcels, and in ſuch Proportion and Manner as will be moſt convenient for the Proprietors in general, and contiguous to their reſpective ancient Eſtates, where the ſame can conveniently be done, and ſo ſoon as the ſaid Stinted Moor or Common, intended to be divided, ſhall be ſet out by the ſaid Commiſſioner, Notice thereof, in Writing under his Hand, ſhall be affixed upon the principal Door of the Pariſh Church of *Stanhope* aforeſaid, and the principal Door of the Chapel of *Saint John* in the ſame Pariſh; and the ſeveral Lands and Parcels of Ground ſo to be ſet out, ſhall, within Four Years next after the paſſing of this Act, be incloſed, hedged, ditched, and fenced with a good and ſufficient boundary Fence, and alſo from thenceforth kept in Repair, in ſuch Proportions as the ſaid Commiſſioner ſhall, in and by his Award, order and direct; but in caſe any Perſon or Perſons entitled to any Allotment or Allotments under this Act ſhall incloſe his, her, or their Allotment or Allotments to be ſet out by the ſaid Commiſſioner, or any Part or Parts thereof, at any Time previous to the Right of ſtinting upon the ſaid Common being declared to ceaſe, it ſhall be lawful for ſuch Perſon or Perſons ſo entitled thereto, to enjoy ſuch Allotment and Allotments, or any Part or Parts thereof, ſo incloſed, in the ſame Manner as though all Right of Common had ceaſed, upon diſcontinuing ſuch Proportion of Stint upon the ſaid Common as the ſaid Commiſſioner ſhall deem juſt and reaſonable, any Thing herein contained to the contrary thereof notwithſtanding.

The Biſhop of Durham not to pay any Part of the Expences of this Act.

XXI. And be it further enacted, That the ſaid Lord Biſhop of *Durham*, or his Succeſſors, ſhall not, nor ſhall any of them, bear any Part of the Expences attending the paſſing of this Act, or of the ſurveying or allotting of the ſaid Moor or Common hereby directed to be divided; but the ſame ſhall be borne and paid by the ſeveral Owners and Proprietors of the ſame Moor or Common, in ſuch Manner as the ſaid Commiſſioner ſhall direct.

For preſerving Quickſets, etc.

XXII. And be it further enacted, That it ſhall be lawful for the reſpective Perſons, Body or Bodies Politic or Corporate, to whom any Share or Shares of the ſaid ſtinted Moor or Common ſhall be allotted or ſet out by virtue of this Act, at proper and ſeaſonable Times in the Year, after the ſaid Diviſion and Incloſure, to ſet up Poſts and Rails and other Things, and to dig Turf and Earth, and to make Trenches on the Outſide of the Fences boundering their reſpective Allotments, not exceeding Five Feet from ſuch Fences, for the better Preſervation of their Quickſet Hedges, without paying or making any Satisfaction for any Damage or Spoil of Ground to be occaſioned thereby, and at proper and ſeaſonable Times to take and carry away ſuch Poſts and Rails, and other Things, at his and their free Will and Pleaſure; and that convenient Gaps and Openings ſhall, if neceſſary, be left in the Fences of the

ſaid Incloſures for the Space of Twelve Calendar Months next enſuing the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages, unleſs the Commiſſioner ſhall order the ſame ſooner to be fenced in, made up, and incloſed.

Allotments to be applied to the ſame Uſes as the Eſtates in lieu of which they are made.

XXIII. And be it further enacted, That all and every ſuch Allotment and Allotments as ſhall be made or ſet out reſpectively, of or upon the ſaid ſtinted Moor or Common, to any Perſon or Perſons whomſoever, by virtue of this Act, ſhall become and be of the ſame Tenure, and be under the ſame Rents and Services, and go and remain to the ſame Uſes and Truſts, and be ſubject and liable to the ſame Deviſes, Powers, Conditions, Covenants, Agreements, Charges, and Incumbrances, as the Hereditaments, in reſpect whereof the ſame ſhall reſpectively be made, allotted, or ſet out, are or ſhall be ſubject and liable to, or could or would have been ſubject and liable to in caſe this Act had not been paſſed, other than and except ſuch Leaſes and Agreements at Rack Rent as ſhall be determined by virtue of this Act, or where any other Proviſions of this Act ſhall be to the contrary, but ſuch Allotments ſhall nevertheleſs be ſubject to ſuch Charges and Incumbrances thereon, as ſhall be made in purſuance of this Act.

Eneroachments may be ſet out to Perſons in Part of their Allotments.

XXIV. Provided always, and be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required, to aſſign and allot to ſuch Perſon and Perſons, Body or Bodies Politic or Corporate, entitled to any Part or Share of and in the ſaid ſtinted Moor or Common, as is or are in the Poſſeſſion of any Encroachment or Encroachments which has or have not been peaceably and quietly enjoyed for Thirty Years laſt paſt, or upwards, without any Interruption given, all and every the Lands and Grounds comprehended in ſuch Encroachment or Encroachments reſpectively, and all Edifices and Buildings which are made thereon, for or in part of the Allotment or Allotments which ſhall be made to them reſpectively, by virtue of this Act, in caſe ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, ſhall by himſelf, herſelf, or themſelves, or his, her, or their Agent or Agents, deſire the ſame, and ſhall ſignify ſuch Deſire under his, her, their, or any of their Hands reſpectively to the ſaid Commiſſioner, at his Firſt, Second, or Third Meeting, to be held in purſuance of this Act, and the ſaid Commiſſioner ſhall think it convenient, unleſs it ſhall happen that ſuch reſpective Encroachments ſhall be greater or more (Quantity and Quality conſidered) than the Allotment or Allotments would amount unto, which ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, in Poſſeſſion of ſuch Encroachment or Encroachments reſpectively, would be entitled to, for or in reſpect of his, her, or their Right and Intereſt therein, in which caſe a proportionate Part of ſuch Encroachment or Encroachments ſhall be deducted from the ſame reſpectively; and the ſaid Commiſſioner is hereby directed and required, in the Valuation of ſuch Encroachment or Encroachments, to value the ſame, as near as he poſſibly can, according to the intrinſic Value thereof reſpectively, at the Time of ſuch Encroachment or Encroachments being made, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected or built thereon.

XXV. And

Death of Proprietors not to delay the Diviſion.

XXV. And be it further enacted, That if any of the Parties intereſted in the ſaid Diviſion, ſhall happen to die before the ſame ſhall be made and perfected, or before the ſaid Commiſſioner ſhall have made his General Award touching the ſame, the Powers and Authorities hereby given unto, and veſted in the ſaid Commiſſioner, ſhall not be determined or ſuſpended by ſuch Death or Deaths, but the ſaid Commiſſioner ſhall and may proceed in, and execute the ſaid Powers and Authorities, and every of them, in ſuch and the like Manner as he might have done if ſuch Perſon or Perſons had not died; and the Part or Parts, Share or Shares, Intereſt or Intereſts, of and in the ſaid Lands and Grounds, hereby directed to be divided, which ſuch Perſon or Perſons ſo dying would have been entitled to, ſhall be allotted and ſet out to the Perſon or Perſons who ſhall be entitled, after the Death of ſuch Perſon or Perſons, to the Right and Intereſt of ſuch Perſon or Perſons ſo dying of and in the ſaid Stinted Moor or Common; and he, ſhe, or they ſhall accordingly accept and fence ſuch Allotment or Allotments in the manner herein directed, and ſhall have, hold, and enjoy the ſame, according to the ſeveral Limitations, Truſts, Powers, and Intereſts, in anywiſe limited, declared, appointed, or provided, of or concerning the Premiſes, in reſpect whereof he, ſhe, or they ſhall be entitled to ſuch Allotment or Allotments reſpectively.

Commiſſioner to determine to what Diſtrict the Lands to be divided belong.

XXVI. And to prevent all Diſputes reſpecting the Performance of Public Offices, Payment of Public Rates and Aſſeſſments, and Settlements of the Poor, be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to adjudge and determine to what particular Townſhip each Allotment of the ſaid Stinted Moor or Common, to be divided by virtue of this Act, ſhall belong; and every ſuch Allotment ſhall be deemed, adjudged, and taken, and is hereby declared, to be Part of that Townſhip to which the ſaid Commiſſioner ſhall adjudge and determine the ſame, to all Intents and Purpoſes whatſoever.

Commiſſioner to make a General Award.

XXVII. And be it further enacted, That ſo ſoon as conveniently may be after the ſaid Commiſſioner ſhall have finiſhed and completed the ſaid intended Diviſion, and other Purpoſes of this Act, he the ſaid Commiſſioner ſhall, and he is hereby required to form and draw up, or cauſe to be formed and drawn up, a General Award or Inſtrument in Writing, which ſhall expreſs, ſpecify, and contain the Quantity of Acres in Statute Meaſure, in the ſaid Stinted Moor or Common, which ſhall be allotted to each Perſon, and the Boundaries or other Deſcriptions of the ſame, with ſuch Rules, Orders, and Regulations, Matters, and Determinations, as to the ſaid Commiſſioner ſhall ſeem neceſſary and proper to be inſerted therein, conformably to the Tenor and true Meaning of this Act; and that the ſaid Commiſſioner immediately, or ſo ſoon as conveniently may be, after preparing the Draft of his ſaid Award, ſhall appoint a Meeting to be held, at ſuch Time and Place as he ſhall think fit, for reading and ſettling the ſaid Draft before the ſame ſhall be engroſſed, and ſhall cauſe Notice in Writing to be affixed upon the Principal Door of the Pariſh Church of *Stanhope*, and the Principal Door of the Chapel of *Saint John* aforeſaid, and alſo to be inſerted in Two of the *Newcaſtle* Newſpapers, of the Time and Place of the ſaid Meeting, at leaſt Fourteen Days previous to ſuch Meeting, by which Notice it ſhall be ſignified that the ſaid Commiſſioner hath prepared a Draft of his intended Award, and that all Perſons intereſted therein, their Stewards or Agents, may (if they think

proper) attend such Meeting, and peruse and inspect the said Draft, and hear the same read over, and be at Liberty to make such Objections thereto as they shall think proper, in order to have the same removed, or the Parties claiming Redress to have such Redress therein, as shall in the Judgement of the said Commissioner appear to be just.

Plan to be annexed to the Award.

XXVIII. And be it further enacted, That so soon as the Draft of the said Award shall be settled as aforesaid, the same shall be fairly engrossed upon Parchment, and such Engrossment shall be executed by the said said Commissioner by his signing the same, to which said Award shall be annexed a true Copy of the Plan or Survey made and taken of the said Stinted Moor or Common hereby directed to be divided and inclosed, which said Plan or Survey, so to be annexed to the said Award, shall be signed by the said Commissioner, wherein the several Allotments, public and private Roads, Ways, Common Quarries, Peat Place and Peat Places, Boundary Marks, Watering Places, Wells, Bridges, Sewers, Drains, and Watercourses, mentioned in the said General Award, and all other Matters and Things which the said Commissioner shall think proper to be described thereon, shall be fairly delineated, set down, marked, and expressed; and the said Award, and Plan or Survey so to be annexed thereto (to the End that the same may be preserved, and Recourse had thereto by any Person whomsoever), shall within Three Calendar Months next after such Execution be filed and deposited in the Office of the Register of the Court of Chancery of the Lord Bishop of *Durham* in the Exchequer at *Durham*, and the said Award shall also be entered or enrolled by the said Register or his Deputy, who shall be entitled to receive, upon the depositing thereof as aforesaid, the Sum of Ten Shillings and no more, for each and every Skin of Parchment whereon the said Award shall be written, for entering or enrolling the same; and that the said Award and Plan, or the Enrolment or Entry of the said Award, or a true Copy of the said Award or Enrolment or Entry, or of any Part thereof, to be made upon Paper, (each Sheet being properly stamped,) under the Hand of the said Register or his Deputy, shall be allowed as Evidence in all Courts whatsoever, and which Copy the said Register or his Deputy is hereby required to make and deliver to any Person requesting the same, being paid for such Copy after the Rate of Sixpence each Sheet, besides Stamp Duty, accounting Seventy-two Words to each Sheet, and the said Register or his Deputy shall permit and suffer any Person whomsoever, at all seasonable Times, to peruse and inspect the said Award and Plan, or the said Enrolment or Entry, at his said Office, being paid for every such Perusal and Inspection One Shilling and no more.

After signing the Award, etc. all former Rights to cease.

XXIX. And be it further enacted, That from and immediately after the Execution of the said Award by the said Commissioner, the said Award and Plan or Survey, and all Matters and Things therein contained, shall be binding and conclusive unto and upon all and every Person and Persons having or claiming any Estate, Right, Title, or Interest of, in, or to the said Stinted Moor or Common hereby directed to be divided and inclosed, or any Part thereof, and to and upon their respective Heirs, Successors, and Assigns; and that from and after the Execution of the said Award, or at such other Time or Times, as the said Commissioner shall direct or appoint, by any Writing under his Hand, to be published in the like Manner as herein-before is directed with respect to Notices of the Commissioner's Meetings, all other Rights and Interests, in lieu of which

which ſuch Allotment or Allotments ſhall be made and ſet out as aforeſaid, ſhall ceaſe, determine, and be for ever extinguiſhed; and that all and every other Perſon and Perſons to whom any Allotment or Allotments ſhall be made, ſhall and is and are hereby required to accept his, her, or their reſpective Allotments within Six Calendar Months next after the Execution of the ſaid General Award, and Notice of ſuch Execution being affixed on the principal Door of the Pariſh Church of *Stanhope*, and on the principal Door of *Saint John's Chapel* aforeſaid, for that Purpoſe, ſigned by the ſaid Commiſſioner, and that he, ſhe, or they ſhall alſo reſpectively within the Time to be for that Purpoſe limited and appointed in and by the ſaid General Award, at his, her, and their Charges reſpectively, well and ſufficiently incloſe, hedge, and fence his, her, and their Allotment and Allotments, in ſuch Manner and Form as ſhall be directed, ordered, and appointed in and by the ſaid General Award; and, in caſe any Perſon or Perſons ſhall refuſe or neglect to accept his, her, or their reſpective Allotments within the Time for that Purpoſe limited and appointed, and in Manner aforeſaid, ſuch Perſon or Perſons ſo neglecting and refuſing ſhall be totally barred and excluded from having or receiving any Benefit or Advantage by this Act, and alſo from all other Rights, Titles, Claims, Demands, or Intereſts whatſoever, of, in, to, or upon the ſaid Stinted Moor or Common hereby directed to be divided.

Proprietors to be entitled to get Stones out of the Common Quarries.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the Owners or Occupiers of any of the Allotment or Allotments to be ſet out or allotted by virtue of this Act, at any Time or Times hereafter, to win, work, get, lead, take, and carry away Stones in and out of the Common Quarries, to be ſet out as before is directed, for the Uſe of the Grounds ſo to be allotted to them within the Park and Foreſt of *Weardale* aforeſaid, but not for any other Uſe or Purpoſe whatſoever.

Saving to the Biſhop of Durham the Services due to him as Lord of the Manor.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the ſaid Lord Biſhop of *Durham*, or his Succeſſors, or his or their Leſſees or Aſſigns, or any of them, of, in, or to the Seigniories and Royalties incident or belonging to the ſaid Manor; but that the Lord of the ſaid Manor for the Time being, and his Leſſee and Leſſees and Aſſigns, ſhall and may from Time to Time, and at all Times for ever hereafter, hold and enjoy all Courts, Perquiſites, and Profits of Courts, Rents, Services, Waifs, Eſtrays, and all Royalties, Juriſdictions, Matters, and Things whatſoever, to the ſaid Manor of *Wolſingham*, or to the Lord thereof for the Time being, incident, belonging, or appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as he or they could or might have held or enjoyed the ſame, if this Act had not been made.

Saving of the Lead Mines to the Biſhop and his Leſſees.

XXXII. And be it further enacted, That the ſaid Lord Biſhop of *Durham*, and his Succeſſors, and his and their Leſſees or Aſſigns, ſhall and may from Time to Time, and at all Times hereafter, have, hold, win, work, and enjoy excluſively, all and every the Mines of Lead and Lead Ore, as well opened as not opened, within and under the ſaid Stinted Moor or Common herein-before directed to be divided, and within and under every Part thereof, together with all convenient and neceſſary Ways and Wayleaves, and alſo Liberty of laying, making, and repairing

Waggon Ways, and other Ways, in, through, over, and along the ſame, or any Part thereof, and alſo for ſearching for, winning, and working the ſaid Mines, and leading and carrying away the Lead and Lead Ore, Stones, Rubbiſh, and other Things to be gotten thereout reſpectively, and of making Pits, Shafts, and Sumps, Pit Rooms and Heap Rooms, Drifts, Levels, and Watercourſes, and of repairing, amending and upholding the ſame, and of erecting and uſing Fire Engines and other Engines, Mills, and other Erections and Buildings, and of altering, changing, pulling down, and carrying away the ſame, or all or any Part of the Materials thereof, at his and their free Will and Pleaſure; and to do all ſuch other Works, Acts, and Things, either now in uſe or hereafter to be invented, as may be neceſſary or convenient for the full and complete Working and Enjoyment of ſuch Mines, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as he or they might or could have done in caſe this Act had not been made, doing as little Damage as poſſible, and without paying or making any Satisfaction for the Damage occaſioned by winning or working the ſaid Mines of Lead and Lead Ore, or any Part thereof, or by uſing or exerciſing any of the Powers, Liberties, or Privileges, herein-before reſerved and given in reſpect of the ſame Mines, or the Produce thereof.

Commiſſioner enabled to ſell or mortgage the Allotments of Perſons neglecting to incloſe, or pay their Proportion of Coſts of Diviſion.

XXXIII. And be it further enacted, That in caſe any Perſon or Perſons to whom any Allotment or Allotments ſhall be made by the ſaid Commiſſioner in and by his ſaid Award, or who ſhall claim to be entitled to the ſame, ſhall neglect to incloſe, hedge, and fence, ſuch Allotment or Allotments within the reſpective Time or Times limited by this Act, or by the ſaid Award, or to pay his, her, or their Share and Proportion of the Charges and Expences of obtaining this Act, and putting the ſame into Execution, within Twenty Days next after Demand, made in Writing, under the Hand of the ſaid Commiſſioner, of the ſame; then and in any of the Caſes aforeſaid, the ſaid Commiſſioner ſhall, and he is hereby empowered and required to ſell or mortgage the Allotment or Allotments of the Perſon or Perſons ſo neglecting to incloſe the ſame, or to pay his, her, or their Share and Proportion of the Charges and Expences aforeſaid, or ſuch Part and Parcel of ſuch Allotment or Allotments as ſhall be ſufficient to raiſe Money to pay for incloſing thereof, and for the Share and Proportion of ſuch Charges and Expences as aforeſaid; and alſo the Charges of ſuch Sale or Mortgage, and all other neceſſary Expences attending the ſame, to be aſcertained by the ſaid Commiſſioner; all which Coſts, Charges, and Expences, the ſaid Commiſſioner ſhall pay, apply, and diſburſe thereout accordingly, rendering the Overplus (if any) to the Perſon or Perſons entitled thereto, on Demand; and the Perſon or Perſons to whom ſuch Allotment or Allotments, or any Part of the ſame, ſhall be ſold or mortgaged as aforeſaid, and all and every Perſon or Perſons claiming under him or them, ſhall and may have, hold, poſſeſs, and enjoy the ſame peaceably and quietly, according to the Terms of the Sale or Mortgage thereof, without any Interruption from the Perſon or Perſons to whom ſuch Allotment or Allotments ſhall be made in and by the ſaid Award, or from any other Perſon or Perſons lawfully claiming, or to claim, by, from, or under him, her, or them, or any of them.

Perſons under Diſability enabled to borrow Money.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſeveral Owners and Proprietors for the Time being of any of the Allotments of

of the ſaid Moor or Common hereby directed to be divided, and to and for the Huſbands, Guardians, Truſtees, or Committees of any of the ſaid Owners and Proprietors, being under Coverture, Minors, Ideots, Lunatics, or beyond the Seas, or being under any Diſability or Incapacity whatſoever, and to and for every or any of them for the Time being, and to and for all Perſons acting as Guardians, Truſtees, Committees, or Attornies of any of the ſaid Proprietors, and to and for any of the ſaid Proprietors being Tenants for Life or in Tail, under their reſpective Hands and Seals, to be executed in the Preſence of Two or more credible Witneſſes, from Time to Time, to charge the Lands and Grounds which ſhall be aſſigned and allotted to them reſpectively, by virtue of this Act, with any Sum or Sums of Money not exceeding Three Pounds for each Acre of ſuch Land, to be paid by ſuch Perſon or Perſons as the Commiſſioner ſhall for that Purpoſe nominate and appoint, in order to be applied for defraying the Expences of obtaining this Act and putting the ſame into Execution, and for ſecuring the Re-payment of ſuch Sum or Sums of Money, with Intereſt for the ſame, to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject and charge the Lands and Grounds ſo to be aſſigned and allotted to ſuch Perſon or Perſons as ſhall reſpectively advance and lend ſuch Sum or Sums of Money, his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, ſo as that every ſuch Grant, Mortgage, Leaſe, or Demiſe, be made with a Proviſo or Condition to leaſe or be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, and the Charges to be occaſioned for the preparing and executing ſuch Security, ſhall be fully paid and ſatisfied, and ſo as in every ſuch Grant, Mortgage, Leaſe, or Demiſe, which ſhall by virtue of this Act be made by any Tenant for Life, or Tenant in Tail, there be a Proviſo or Condition that the Perſon or Perſons entitled in Remainder or Reverſion ſhall not be ſubject or liable, upon his, her, or their becoming ſeiſed or poſſeſſed of ſuch Premiſes, to the Payment of any further or larger Arrear of Intereſt than for one whole Year, in reſpect of the Monies to be charged on ſuch Lands as aforeſaid; and that every ſuch Grant, Mortgage, Leaſe, Demiſe, or Charge, to be made in purſuance of this Act, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended, notwithſtanding the Want of Title in the ſaid Huſbands, Guardians, Committees, or Attornies, or in the ſaid Tenants for Life, or in Tail, any Settlement, Will, Truſt, Uſe, Remainder, Limitation, or other Impediment or Incumbrance, of or concerning the ſaid Lands, Grounds, and Premiſes, or any Part or Parcel thereof, then in being, or capable of taking Effect, to the contrary notwithſtanding.

Commiſſioner to account.

XXXV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required at or before the Time of ſigning and executing the ſaid General Award, at a Meeting of the Proprietors, to be appointed by the ſaid Commiſſioner (of the Time and Place of which Meeting Fourteen Days Notice ſhall be given in Two or more of the *Newcaſtle* Newſpapers, and alſo affixed upon the principal Door of the Pariſh Church of *Stanhope*, and the principal Door of the Chapel of *Saint John* aforeſaid), to deliver to the Proprietors then preſent, or ſuch Perſon or Perſons as they or the major Part of them in Value, by themſelves or their reſpective Agents or Attornies ſhall appoint to receive the ſame, an Account in Writing, of all the Monies by the ſaid Commiſſioner from Time to Time aſ-

ſeſſed and laid out concerning the ſaid Diviſion and Incloſure, and other Purpoſes of this Act, which Account the ſaid Proprietors then preſent, or the major Part of them in Value, ſhall and may, and they are hereby authorized and empowered (if they think proper ſo to do) finally to paſs, ſettle, and allow.

Allowance to Commiſſioner.

XXXVI. And be it further enacted, That the ſaid Commiſſioner acting in the Execution of the Truſts and Powers hereby veſted in him, for himſelf and the Clerk and Aſſiſtants to be by him employed in carrying this Act into Execution, ſhall be allowed and paid in Satisfaction for their Trouble and Expences the Sum of Five Shillings and Sixpence for each and every Cattle Gate, or Stint, upon the ſaid Stinted Moor or Common called *Middlehope*; and at all Meetings to be held in purſuance of this Act, the ſaid Commiſſioner and his Clerk and Aſſiſtants ſhall pay their own Expences.

Expences of the Diviſion to be paid by the Proprietors, according to the Extent of their Claim.

XXXVII. And be it further enacted, That as well the Fees and Payments of the ſaid Commiſſioner, as alſo the Charges and Expences incident to and attending the drawing, ſoliciting, obtaining, and paſſing of this Act, and of ſurveying, meaſuring, planning, dividing, and allotting the ſaid Stinted Moor or Common, and of preparing, making, executing and enrolling the ſaid Award of the ſaid Commiſſioner, and ſetting out and making the Highways and Roads, and other Roads and Ways, and all other Charges and Expences attending the Execution of this preſent Act, ſhall be borne and defrayed by the ſeveral and reſpective Perſon and Perſons to whom any Allotment or Allotments of the ſaid Stinted Moor or Common ſhall be reſpectively made, in Proportion to the real Value of their reſpective Allotments or Number of Stints, to be ſettled and aſcertained by the ſaid Commiſſioner; and the ſeveral and reſpective Shares and Proportions of all ſuch Fees, Payments, Charges, and Expences as aforeſaid, ſhall be payable and paid by the Owners and Proprietors reſpectively to ſuch Perſon or Perſons, and at ſuch Times, as ſhall by the ſaid Commiſſioner, either before or after the Execution of the General Award as aforeſaid, be ordered, directed, and appointed, in Writing under his Hand, Twenty Days before the Time appointed for ſuch Payment; and in caſe any Perſon or Perſons intereſted in the ſaid Diviſion and Incloſure ſhall refuſe or neglect to pay their, his, or her Shares or Proportions, Share or Proportion, of all ſuch Fees, Payments, Charges, and Expences, within the Time ſo to be limited and appointed as aforeſaid, to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall appoint to receive the ſame, then the ſaid Commiſſioner ſhall and may, and he is hereby empowered and required, either by Warrant under his Hand and Seal directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo reſpectively refuſing or neglecting to pay the ſame, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale; or it ſhall be lawful for the ſaid Commiſſioner to ſell or mortgage the Allotment or Allotments of the Perſon or Perſons ſo neglecting to pay their, his, or her Shares or Proportions, Share or Proportion, of all ſuch Fees, Payments, Charges, and Expences aforeſaid, or ſo much or ſuch Part or Parts of ſuch Allotment or Allotments, as

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ſhall be ſufficient to raiſe Money to pay their, his, or her Proportion of all ſuch Fees, Charges, and Expences as aforeſaid, and alſo the Charges and Expences of ſuch Sale or Mortgage, and other Expences attending the ſame, in Manner and Form, and with the like Effect, as herein-before directed and enacted for mortgaging or ſelling any of the Allotments aforeſaid by the ſaid Commiſſioner.

Saving of the Office of Moormaſter.

XXXVIII. Provided likewiſe, and be it further enacted, That nothing in this Act contained ſhall alter, prejudice, leſſen, or defeat, or be conſtrued to alter, prejudice, or defeat, the Right, Title, and Intereſt of the ſaid Lord Biſhop of *Durham*, or his Succeſſors, or his or their Grantee or Grantees, Leſſee or Leſſees, claiming under the See of *Durham*, of, in, and to the Office of Moorman otherwiſe Moormaſter, or any Fees, Profits, Commodities, Liberties, and Advantages, in anywiſe to the ſaid Office belonging or appertaining, or the Right, Title, or Intereſt of any Perſon or Perſons, Body or Bodies Politic or Corporate, their Heirs or Succeſſors, in or to any Tithes, or other Eccleſiaſtical Dues, ariſing or renewing out of and upon the ſaid Stinted Moor or Common ſo to be divided and incloſed as aforeſaid; but that he, ſhe, or they ſhall have the ſame Right to, and receive and take, ſue for, and recover ſuch Tithes and Eccleſiaſtical Dues, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as if this preſent Act had not been made.

Appeal to Quarter Seſſions.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done by and under the Authority of the ſaid Commiſſioner, in purſuance of this Act, or of the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign, (other than and except ſuch Claims, Matters, and Things as are herein-before directed or authorized to be aſcertained, ſettled, tried, and determined by the Verdict of a Jury, or whereby any of the Proviſions of the ſaid Act of the Forty-firſt Year of the preſent Reign, or of this Act, the Determinations, Acts, or Proceedings of the ſaid Commiſſioner are directed to be final or concluſive), then and in every ſuch Caſe he, ſhe, or they, may appeal to any General Quarter Seſſions of the Peace, which ſhall be held for the ſaid County of *Durham*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices, in their ſaid General Quarter Seſſions, are hereby required to hear and determine the Matter of ſuch Appeal, and to make ſuch order therein, and to award ſuch Coſts as to them, in their Diſcretion ſhall ſeem reaſonable, and, by their Order or Warrant, to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or by any other Writ or Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

General Saving.

XL. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and the ſeveral Perſons whoſe reſpective Rights and Intereſts are intended to be hereby protected and preſerved as aforeſaid,

said, and all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, (other than and excepting the respective Persons to whom any Allotment or Allotments of Land, or other Compensation, shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made; and excepting the Person or Persons, Body or Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, Administrators, and Assigns, who shall, by virtue of this Act, make any Claim or Claims affecting the Boundaries of the said Stinted Moor or Common, or any Claim or Claims thereto, which shall be adjudged and determined against him, her, or them, as aforesaid; and excepting such other Rights and Interests as, according to the true Intent and Meaning of this Act, are meant to be barred, destroyed, and extinguished), all such Estate, Right, Title, and Interest as they, every or any of them, had or enjoyed of, in, to, or out of the said Stinted Moor or Common hereby directed to be divided and inclosed as aforesaid, before the passing of this Act, or could or might, or ought to have had or enjoyed in case this Act had not been made.

Public Act.

XLI. And be it further enacted, That this Act shall be printed by the Printer to the King's Most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1809.